IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION No. 5563 OF 2001

Date:04.07.2007

BETWEEN:

1. G. Rambabu and others.

…. PETITIONERSSS

And

1. Government of Andhra Pradesh, Revenue (Excise) Department, Secretariat, Hyderabad, rep. By its Principal Secretary, and others.

…. RESPONDENTS

ORAL ORDER:

The first petitioner was granted IL 24 licence to sell Indian Liquor at Tenali, Guntur District. He started business under the name and style of M/s.Shivani Wines. He made a representation to the third respondent for transfer of licence in favour of second and third petitioners on payment of 10% of 1/6 of the annual licence fee, as envisaged under Rule 38 of the A.P. Indian Liquor and Foreign Liquor Rules 1970 (for short 'the Rules'), and paid an amount of Rs.12,000/- towards transfer of licence fee.

As per Rule 39(2) of the Rules, the fee payable by any licensee for the privilege of having transfer of licence to any other person shall be 10% of the fee chargeable for grant of renewal of continuance of such licence. Therefore, the first petitioner was informed that the annual licence fee of IL 24 shop is Rs.7,20,000/- and for transfer of licence 10% of the licence fee i.e., Rs.72,000/- has to be paid by the licensee. As the first petitioner has paid only Rs.12,000/- he was directed to pay remaining amount of Rs.60,000/-. Questioning the same, the petitioners filed the present writ petition contending that 10% of the licence fee in Rule 38(2) has to be read in conjunction with Rule 25(9) and that 10% can be not on the annual licence fee but the same will be chargeable for grant of renewal of continuance of such licence.

The learned counsel for the petitioners submits that similar writ petitions filed questioning the collection of 10% of the annual licence fee, have been dismissed by a Single Judge of this Court and the same has been confirmed by a Division Bench of this

Court.

In view of the submission made by the learned counsel for the petitioners, I see no merit in this writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

_____

(A. GOPAL REDDY, J.)

4th July, 2007
Js.